

FOIA request concerning changes to cement kiln hazardous air pollutant emissions standards

Pursuant to the Freedom of Information Act (FOIA), we (Al Jazeera International) request copies of all records¹ of communications or contacts between any of the following current or former EPA employees:

- a) Keith Barnett
- b) Sharon Nizich
- c) Peter Tsirigotis
- d) Steve Page
- e) Wendy Blake
- f) Steven Silverman
- g) Patricia Embrey
- h) Scott Fulton
- i) Joseph Goffman
- j) Janet McCabe
- k) Gina McCarthy
- l) Elizabeth Jan Gerro (or Jan Gerro)
- m) any EPA employee, contractor or lawyer representing the EPA
- n) any EPA employee, contractor or lawyer representing the EPA in Region 6

and one or more of the following:

- o) Congressman Joe Linus Barton (R-TX)
- p) Any person representing the offices or interests of Congressman Joe Linus Barton (R-TX)
- q) Lawyers for any of the individuals or groups given in this list

relating to or discussing any of the below-enumerated topics

- 1) The National Emission Standards for Hazardous Air Pollutants for the Portland cement manufacturing industry.
- 2) The New Source Performance Standards for the Portland cement manufacturing industry.

and occurring between October 12, 2011, and May 23, 2013.

¹ As used throughout this letter, the terms “record” and “records” shall mean all materials in whatever form (handwritten, typed, electronic, or otherwise produced, recorded, reproduced or stored) in EPA’s possession, including, but not limited to, any correspondence, minutes from meetings, memoranda, notes, e-mails, letters, internet chat records, notices, electronic files, tapes and telefaxes.

Examples of records covered by our request include, but are not limited to: emails relating to the Portland cement plant standards sent during the relevant time period from one of the EPA employees listed above in (a)-(k) (from any email account, whether a work-related account or a personal account) to at least one of the non-EPA people and groups listed above in (l)-(r), even if another EPA employee was also a recipient of the email; and notes of meetings or phone calls relating to the Portland cement plant standards held during the relevant time period involving at least one of the EPA employees listed in (a)-(k) (from any telephone, whether a work-related telephone or cell phone or a personal telephone or cell phone) and at least one of the non-EPA people and groups listed in (l)-(r).

Please exclude from the above request: i) any records that are publicly available under EPA docket numbers EPA-HQ-OAR-2002-0051, EPA-HQ-OAR-2007-0877, or EPA-HQ-OAR-2011-0817; and ii) any materials filed in D.C. Circuit case numbers 10-1358, 10-1359, 11-1206, and consolidated cases. You may also exclude any records available to the public on web sites of the EPA.

It may be possible for us to further limit this request if we have a better idea of the nature and scope of the records in your files. Please contact me to discuss this possibility. In addition, to the extent that records responsive to this request are available in a widely-used electronic format (e.g., pdf, excel, Word, or WordPerfect files), we would prefer to receive them in that format, provided that the electronic versions are in comprehensible form.

If you regard any of the requested records to be exempt from required disclosure under FOIA, we request that you nevertheless disclose them, as such disclosure would also be warranted under the President's memorandum on FOIA at 74 Fed. Reg. 4683 (2009).

This FOIA request is being submitted by Al Jazeera International, an international news organization.

If you find that this request is unclear in any way, or that the number of records responsive to this request is relatively large or difficult to copy, please do not hesitate to call me at 401-368-9294.

Thank You,

Mark Scialla
Al Jazeera International
Mark.scialla@aljazeera.net